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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/639,310
Filing Date: August 14, 2000
Appellant(s): DRUMMOND ET AL.

Ralph E. Jocke
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/7/2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-28 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6085177A	Semple	7/2000
5761662A	Dasan	6/1998
5220501A	Lawlor	6/1993
5974451A	Simmons	10/1999
5642485A	Deaton	6/1997
5619558A	Jheeta	4/1997
5539825A	Akiyama	7/1996
5915246A	Patterson et al.	6/1999
4091448A	Clausing	5/1978
6304860B1	Matin, Jr. et al.	10/2001

5742845A

Wagner

04/1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,3,9,10, 13, 21 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner(U.S. PAT. 5742845A), Dasan(U.S. PAT. 5761662A), Lawlor et al. (U.S.PAT. 5220501A), and Simmons (U.S.PAT. 5974451A).

Re claims 1, 9, 13, 21 and 25-28: Wagner disclose a method of operating an automated transaction machine(Abstract, col. 1, lines 10-35) comprising:

a) reading customer identification information from a card with a card reading device in operative connection with an automated transaction machine, and receiving customer identity information at an ATM, wherein the ATM includes a cash dispenser operative to dispense cash;(Abstract, col. 1, lines 10-67,col. 19, lines 30-65, i.e. ATM machines inherently dispense cash),

c) generating at least one web page (Abstract, claims 1-3,col. 3, lines 15-40, col. 19, 30-67).

wherein the at least one web page includes a plurality of selectable transaction options for performing transactions with the automated transaction machine(col. 1, lines 30-67, Figs. 12-24B); and
Displaying a web page in a browser of the ATM(Abstract, claims 1-3).

Wagner disclose the invention except the features of customer identification and, accessing at least one customer profile value from at least one data store, accessing a customer profile responsive to the customer identity information, wherein the customer profile corresponds to the customer type value, wherein a customer type value differentiates

between classes of customers; responsive to the customer identification information, and displaying the at least one web page at the machine through operation of a browser. However, as Abstract, col. 2, lines 1-45, Fig. 2, 4, 5a, and 5b in Dasan disclose a user profile displaying on a web page whereby the user profile describes the customer preferences and identifies the type of customer via the client computer which provides the identification of a user-defined profile. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner based on the teachings of Dasan. The motivation to combine these references to get the benefit of functionality unique to a user identification that identifies the stored user profile.

Wagner and Dasan disclose the invention except retrieving marketing information from the customer profile; selecting a targeted advertisement responsive to the marketing information. However, in col. 9, lines 50-67, col. 13, line 50-col. 15, line 10, col. 16, line 55-67, col. 18, lines 15-67, col. 20, lines 55-col. 10, col. 22, lines 1-15, col. 23, lines 5-60, col. 32, line 15-45, col. 40, line 55-col. 41, line 10, claims 1, 44-48, thereof Lawlor et al. disclose marketing information reflecting a customer profile built into the

system. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner and Dasan based on the teachings of Lawlor et al. The motivation to combine these references to get the benefit of functionality unique to a user identification that identifies the stored user profile for targeted marketing efforts.

Wagner, Dasan and Lawlor et al. disclose the invention except wherein the web page includes the targeted advertisement. However, in col. 2, lines 35-40, col. 4, lines 1-25, Simmons disclose targeted advertisements sent to the customer via a network web-based system. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan and Lawlor et al. based on the teachings of Simmons. The motivation to combine these references to get the benefit of functionality unique to a user identification that identifies the stored user profile for targeted marketing efforts.

Re claims 2 and 10: Wagner disclose(s) the claimed invention except modifying the at least one customer profile value in the data store responsive to the input. However, in Figs. 8,9,10 and 11, and claim 26,

thereof, Dasan disclose(s) a user-controlled client, the client identifying a user-defined profile, the server accessing an application, the application accessing a database and the database data transmitted to the server, which is then transmitted to the client. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner based on the teachings of Dasan. The motivation to combine these references is updating the customer profile enables for efficient marketing.

Re claim 3: Wagner disclose the data store includes a remote database(col. 6, lines 25-55).

5. Claims 5,8,12,20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claims 1, 2, 9, 13 and 21 above, and in further view of Deaton et al. (U.S.PAT. 5642485A) and Jheeta(U.S.PAT. 5619558A).

Re claim 5: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the invention except the reading device includes a **smart** card reader device, and wherein the information is read from a **smart** card. However, in the

Abstract, col. 4, lines 45-67, col. 5, lines 20-40, thereof Deaton et al.

disclose the smart card, smart reader and reading customer ID from the smart card. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al. and Simmons based on the teachings of Deaton et al. The motivation to combine these references is to have the customer ID stored in the smart card for ease of identifying the customer.

Wagner, Dasan, Lawlor et al., Simmons and Deaton et al. disclose(s) the claimed invention except customer identification. However, in col. 2, lines 30-65, thereof, Jheeta disclose(s) that authorized transactions are conventionally stored in the customer database that contains customer identification. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons and Deaton et al. based on the teachings of Jheeta. The motivation to combine these references is both refer to ATMs and Jheeta's customer profile stored in a database enables customer-specific ATM responses enhancing customer ATM experience.

Re claims 8,12,20 and 24: Wagner disclose(s) computer readable media having computer readable instructions embodied thereon, the computer readable instructions operative to cause at least one computer to carry out the method steps recited in claim 1(col. 6, lines 1-67).

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claim 21 above, and in further view of Jheeta(U.S.PAT. 5619558A).

Re claim 22: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the claimed invention except e) determining if the consumer is a customer associated with a financial institution, wherein if the consumer is determined not to be a customer of the financial institution, the targeted advertisement includes a promotion for the financial institution. However, in col. 1, lines 5-40, col. 3, lines 38-50 thereof, Jheeta disclose(s) cross selling products to existing customers of the bank and to potential customers of the bank. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al. and Simmons

based on the teachings of Jheeta. The motivation to combine these references is to obtain more customers for the bank.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claim 2 above, and further in view of Akiyama et al.(U.S. PAT. 5539825A).

Re claim 4: Wagner, Dasan, Lawlor et al. and Simmons disclose(s) the claimed invention except the data store includes a smart card. However, in col. 1, lines 10-25, col. 6, lines 8-25 thereof, Akiyama et al. disclose(s) an IC smart card . It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al. and Simmons based on the teachings of Akiyama et al. The motivation to combine these references is to obtain the benefit of using IC technology for customer ATM cards.

8. Claims 6,7,11,17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al. and Simmons as applied to claims 2 and 10 above, and further in view of Patterson et al. (U.S.PAT. 5915246 A).

Re claims 6,7 and 11: None of Wagner, Dasan, Lawlor et al. and Simmons explicitly disclose(s) wherein the customer profile value is representative of the preferred natural language of the customer, wherein the input is representative of a different value for the preferred natural language of the customer;

And wherein the customer profile value is representative of a fast cash amount, wherein the web page includes a selectable option which corresponds to having the automated transaction machine dispense an amount of cash that is equal to the fast cash amount, wherein step (f) includes modifying the fast cash amount;

And wherein the customer profile values include a last withdrawal amount representative of a previously withdrawn amount of cash, wherein one of the selectable options corresponds to a dispensing of an amount of cash equal to the last withdrawal amount, wherein step (e) includes dispensing of a selected amount of cash with a cash dispenser device, and wherein step

(f) includes modifying the last withdrawal amount with a value that corresponds to the selected amount of cash.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) customer profile value and customer type along with option selection. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., and Simmons by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Re claims 17 and 23: None of Wagner, Dasan, Lawlor et al., and Simmons explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option; and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. It would be obvious

to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., and Simmons by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

9. Claims 14,15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., and Simmons as applied to claim 13 above, and further in view of Clausing(U.S.PAT. 4091448A).

Re claims 14,15 and 18: None of Wagner, Dasan, Lawlor et al. and Simmons explicitly disclose(s) wherein when the customer type

corresponds to a servicer of automated transaction machines, including a plurality of selectable servicer options for servicing the automated transaction machine;

And wherein when the customer type value corresponds to a consumer, including a plurality of selectable transaction options for performing transactions with the automated transaction machine;

And wherein when the customer type value corresponds to a first class type of customer, including a first option to perform a first transaction with the automated transaction machine, wherein when the customer type corresponds to a second class type of customer, the web page does not include the first option.

However, in Abstract, Col. 5, lines 1-30, col. 6, lines 35-50, col. 9, lines 1-30, col. 13, line 35-col. 14, line 40 thereof, Claiming disclose(s) option selection based on customer profile values that are associated with a specific class of service. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons,

Deaton et al. and Jheeta by adopting the teachings of Clausing to obtain the benefit of presenting the ATM user with relevant options to select and to indicate options for customers' selection based on the type of customer identified via the customer profile.

10. Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., Simmons and Clausing as applied to claim 15 above, and further in view of Patterson et al. (U.S.PAT. 5915246 A).

Re claim 16: None of Wagner, Dasan, Lawlor et al., Simmons and Clausing explicitly disclose(s) wherein the targeted advertisement includes at least one selectable option, wherein the method further comprises:

- (e) receiving an input from the consumer that corresponds to the selectable option; and
- (f) updating the customer profile responsive to the input.

However, in Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. Thus, it would have

been within the level of ordinary skill in the art to modify the method of Wagner, Dasan, Lawlor et al., Simmons and Clausing by adopting the teachings of Patterson et al. to obtain the benefit of presenting the customer with profile data reflecting customers' transaction input.

Official notice is taken that it is old and well known in the computer art to get the advantage of providing customers with selectable options that automatically builds the customers' profile in order to present the customer with relevant selectable options upon subsequent ATM use. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include customer selectable options in which the actual selected option becomes a part of the customers' stored profile.

11. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner, Dasan, Lawlor et al., Simmons and Clausing as applied to claim 18 above, and further in view of Martin, Jr. et al. (U.S.PAT. 630860 B1).

None of Wagner, Dasan, Lawlor et al., Simmons and Clausen explicitly disclose(s) wherein the first transaction corresponds to bill payment.

However, in Fig. 3, item 304, Col. 5, Lines 35-67, Col. 6, Lines 20-32, Col. 10, Lines 55-67, Col. 11, Lines 1-20 thereof, Martin, Jr. et al. disclose(s) ATM transactions that permit bill payment. It would be obvious to one of ordinary skill in the art to modify the invention of Wagner, Dasan, Lawlor et al., Simmons and Clausen by adopting the teachings of Martin, Jr. et al. to obtain the benefit of using an ATM screen to select the bill payment.

(11) Response to Argument

Wagner does show a browser. The HTTP protocol is browser protocol and this does generate a web page. Sample shows a web page and does also show reading a map on the web page. It would be obvious that individuals can read a newspaper on a web page that is functionally able to show a map.

In response to applicant's argument that Dasan is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re*

Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it solves the same problem of providing a web page that is readable. Further Dasan and Jheeta disclose a customer profile unique to an ID in the abstract. Semple et al. shows a card reader and Wagner also disclose a magnetic stripe readers, check readers, smart card readers, credit card readers, and related technologies in the Abstract.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all the references combined contain the details of the claims. Customer profiles are inherently read from the card inserted into the reader to relate the card and customer ID to the customer related information. Thus, the customer ID does link to the profile and that is the only way the computer system can relate account information to a specific customer inserting a card. Whether

the display is a web page or a standard computer response terminal interface would not matter as per associating the customer profile with the related data in a database. Semple, Wagner and Jheeta all talk about ATM machines that have computer readable media containing instructions to operate the computer. Jheeta talks about a conventional automated teller machine(col. 2, lines 15-50) and it is known that conventional automated teller machines do display the bank's name on the display screen. In col. 1, lines 10-25, col. 6, lines 8-25 thereof, Akiyama et al. disclose(s) an IC smart card. An IC is a data store. Thus, Akiyama et al. does disclose a data store and data stores are inherently modifiable. Further, Wagner, Dasan, Lawlor et al. and Simmons also disclose data store, that is a place where data is stored, retained and can be modified. This is otherwise known as a database.

In Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) customer profile value and customer type along with option selection. Option selection capabilities inherently incorporate the ability to change the options and save the changes into the database so that it changes the profile. A profile value representative of a fast cash amount, last withdrawal amount, and modifying the options are not patentable concepts. ATM

technology made by the assignee of this application already incorporates selectable options on an ATM machine.

In Abstract, Col. 5, lines 1-30, col. 6, lines 35-50, col. 9, lines 1-30, col. 13, line 35-col. 14, line 40 thereof, Clausing disclose(s) option selection based on customer profile values that are associated with a specific class of service. Clausing disclose a central processor which is a servicer machine(Abstract). In Cols. 1-4, esp. Col. 1, Lines 1-50 thereof, Patterson et al. disclose(s) option selection based on customer profile. Dispensing cash via an ATM is disclosed in Semple, col. 3, lines 1-20, Fig. 1 wherein dispensing cash is a normal conventional ATM feature. Semple talks about displaying a web page and Martin talks about initiating an electronic transfer of funds from a bank to a loan servicer to satisfy an outstanding consumer debt or payment obligation(Abstract). This inherently incorporates bill payment and it incorporates customer selection of the bill payment option.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Debra F. Charles
Examiner
Art Unit 3624

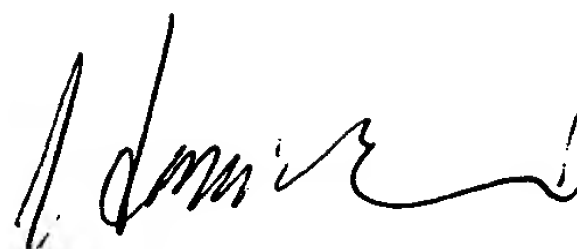


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